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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

ADAMS, CHARLES D

ART UNIT

PAPER NUMBER

2164

DATE MAILED: 06/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/749,974

Applicant(s)

HUANG ET AL.

Examiner

Charles D. Adams

Art Unit

2164

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.


SAM RIMELL
PRIMARY EXAMINER

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1 and 20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As to claims 1 and 20, the claims recite the limitation "storing the received message when the received message is processing data". However, it is unclear exactly how the received message could process data.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 1-5 and 8-19 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Though a message is being received, analyzed, stored, and transformed, the invention as claimed is non-statutory because there is no useful result. Nothing is being done with the transformed received message.

Claim Rejections - 35 USC § 102

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5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-6, 8, 10-12, 14-20, 22 are rejected under 35 U.S.C. 102(e) as being anticipated by Merrick et al. (US Patent 7,028,312).

As to claim 1, Merrick et al. teaches a method for data communication between processing machines (see Abstract), comprising:

Receiving a message produced by a first processing machine at a database server, the message being transmitted via socket protocol (see 13:66-14:19 and 16:48-64);

Analyzing the received message in the database server (see 16:48-64);

Storing the received message when the received message is processing data (see 16:48-64; it is inherent the message will be stored during the extracting process);
and

Transforming the received message into a database instruction when the received message is an instruction (see 16:48-64).

As to claim 2, Merrick et al. teaches wherein the message produced by the first processing machine includes a header formatted to identify whether the message is a database instruction (see 17:32-56).

As to claim 3, Merrick et al. teaches wherein analyzing the received message in the database server includes analyzing the header of the message to determine if the message includes the database instruction (see 16:48-64 and 17:32-56).

As to claim 4, Merrick et al. teaches wherein transforming the received message into a database instruction when the received message is the database instruction includes dynamically identifying an SQL instruction (see 16:48-64).

As to claim 5, Merrick et al. teaches further comprising executing the instruction to produce a result (see 16:65-67).

As to claim 6, Merrick et al. teaches further comprising sending the result to the first processing machine (see 16:65-67).

As to claim 8, Merrick et al. teaches wherein the database server includes processing by a daemon (see 16:48-64, 18:29-39).

As to claim 10, Merrick et al. teaches wherein the message produced by the first processing machine is transmitted to the database server as data included in the message that is produced (see 16:48-64, 17:32-56).

As to claim 11, Merrick et al. teaches wherein the message being transmitted via socket protocol includes being transmitted via TCP/IP protocol (see 13:66-14:19).

As to claim 12, Merrick et al. teaches a system for communicating data between processing machines comprising:

A database server (see 13:66-14:19);

At least one processing machine capable of communicating with the database server via a socket protocol (see 13:66-14:19);

A network for coupling the at least one processing machine to the database server (see 13:66-14:19); and

A daemon included within the database server, the daemon capable of determining if a message received from the at least one processing machine is a database instruction (see 16:48-64 and 18:29-39).

As to claim 14, Merrick et al. teaches wherein each of the at least one processing machine includes a corresponding operating system (see 13:66-14:19. It is inherent that a functional computer have an operating system).

As to claim 15, Merrick et al. teaches wherein the corresponding operating systems (see 13:66-14:19. It is inherent that a functional computer have an operating system).

The remainder of the claim is optionally recited, and thus bears no patentable weight.

As to claim 16, Merrick et al. teaches wherein a header of the received message includes an identification of the message as including the database instruction (see 16:48-64 and 17:32-56).

As to claim 17, Merrick et al. teaches wherein the daemon executes dynamic language compiling (see 16:48-64).

As to claim 18, Merrick et al. teaches wherein the dynamic language compiling includes SQL language compiling that has the capability of converting the message to an SQL instruction (see 16:48-64).

As to claim 19, Merrick et al. teaches wherein the at least one processing machine is capable of communicating with the database server via a TCP/IP protocol (see 13:66-14:19).

As to claim 20, Merrick et al. teaches a method for data communication between processing machines, comprising:

Receiving a message produced by a first processing machine at a database server (see 16:48-64), the message being transmitted via TCP/IP protocol and socket protocol (see 13:66-14:19), a header of the message being formatted to identify message as a database instruction, if the message is a database instruction (see 16:48-64);

Analyzing the header of the received message through dynamic language compiling at the database server (see 16:48-64);

Storing the received message when the received message is processing data (see 16:48-56; it is inherent the message will be stored during extracting process);

Transforming the received message into an SQL instruction when the received message is an instruction (see 16:48-64);

Executing the instruction to produce a result (see 16:65-67);

Sending the result to the first processing machine (see 16:65-67).

As to claim 22, Merrick et al. teaches wherein the message is transmitted to the database server as the data included in the message is produced in the first processing machine (see 16:48-64).

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Merrick et al. (US Patent 7,028,312) in view of Birrell et al. ("Implementing Remote Procedure Calls").

As to claim 7, Merrick et al. teaches the method of claim 6.

Merrick et al. teaches wherein the message was produced as a result of processing within the first testing machine (see 16:48-64)

Merrick et al. does not explicitly teach the processing required the result to continue, and wherein the first processing machine receives the result set and resumes processing.

Birrell et al. teaches the processing required the result to continue, and wherein the first processing machine receives the result set and resumes processing (see pages 39-40, section 1.1, background. "When the procedure finishes and produces its results, the results are passed back to the calling environment, where execution resumes as if returning from a simple single-machine call").

Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to have modified Merrick et al. by the teaching of Birrell et al., since Birrell et al. teaches "the idea of remote procedure calls is quite simple. It is based on the observation that procedure calls are a well-known and well-understood

mechanism for transfer of control and data within a program running on a single computer. Therefore, it is proposed that this same mechanism be extended to provide for transfer of control and data across a communication network" (see pages 39-40, section 1.1, background).

9. Claims 9, 13, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Merrick et al. (US Patent 7,028,312) in view of Rossiter et al. (US Patent 6,988,102).

As to claim 9, Merrick et al. teaches the method of claim 8.

Merrick et al. does not teach wherein the daemon monitors a predetermined socket for messages from the first processing machine.

Rossiter et al. teaches wherein the daemon monitors a predetermined socket for messages from the first processing machine (see 6:33-37).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Merrick et al. by the teaching of Rossiter et al., since Rossiter et al. teaches that "it is clearly desirable to provide a computer system that employs features that reduce the cost of maintaining the database system without having a negative impact on the ability of the computer system to perform its intended purpose" (see 2:37-42). Rossiter et al. also teaches "a general purpose UNIX operating system may have the following service modules ... INET Daemon" (see 6:25-27, 6:33).

As to claim 13, Merrick et al. teaches the system of claim 12.

Merrick et al. does not teach wherein the daemon is capable of monitoring a predetermined socket for the message from a first processing machine of the at least one processing machines.

Rossiter et al. teaches wherein the daemon is capable of monitoring a predetermined socket for the message from a first processing machine of the at least one processing machines (see 6:33-37).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Merrick et al. by the teaching of Rossiter et al., since Rossiter et al. teaches that "it is clearly desirable to provide a computer system that employs features that reduce the cost of maintaining the database system without having a negative impact on the ability of the computer system to perform its intended purpose" (see 2:37-42). Rossiter et al. also teaches "a general purpose UNIX operating system may have the following service modules ... INET Daemon" (see 6:25-27, 6:33).

As to claim 21, Merrick et al. teaches the method of claim 20.

Merrick et al. does not teach wherein the dynamic language compiling monitors a predetermined socket for messages from the first processing machine.

Rossiter et al. teaches wherein the dynamic language compiling monitors a predetermined socket for messages from the first processing machine (see 6:33-37).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Merrick et al. by the teaching of Rossiter et al., since Rossiter et al. teaches that "it is clearly desirable to provide a computer system that employs features that reduce the cost of maintaining the database system without having a negative impact on the ability of the computer system to perform its intended purpose" (see 2:37-42). Rossiter et al. also teaches "a general purpose UNIX operating system may have the following service modules ... INET Daemon" (see 6:25-27, 6:33).

Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles D. Adams whose telephone number is (571) 272-3938. The examiner can normally be reached on 8:30 AM - 5:00 PM, M - F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Rones can be reached on (571) 272-4085. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Charles Adams
AU 2164



SAM RIMELL
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